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FILED

MAR 27 2001

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY h DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WONDA HICKS,

Plaintiff,

-vs-

HELMUT MARTIN, dba H.C.M
INVESTMENTS, and DOES I through XX,
Inclusive,

Defendants.

CASE NO. *Cv. S-01-0606 LKK-JFM*
[PROPOSED] ORDER

The above-entitled matter came before the Court on March 27, 2001 by way of Plaintiff's Motion for Temporary Restraining Order and Order to show Cause regarding Preliminary Injunction.

Having fully considered the matter the Court hereby grants Plaintiff's motion and orders as follows:

1. Defendant/owner is enjoined from refusing to accept Plaintiff's enhanced voucher and the enhanced vouchers of other Section 8 tenants who elect to remain in their units at Country Village Apartments, 8141 Fair Oaks Boulevard in Carmichael, California, for as long as Congress appropriates funds for enhanced vouchers for tenants in expiring Section 8 projects and to the extent each such tenant, including plaintiff, complies with

must receive the lease; LKK

2. Defendant/owner is enjoined from proceeding to opt-out of the Section 8 program until nine months after he complies with the notice provisions under California Government Code sections 65863.10 and 65863.11;
3. Defendant/owner is enjoined from evicting Plaintiff from her unit on any grounds related to Defendant's refusal to accept Plaintiff's enhanced voucher; and
4. The parties are to appear on 5/29/2000, at 10 a.m./p.m. for a hearing on Plaintiff's Motion for Preliminary Injunction.

Any supplemental briefs by Plaintiff are due by _____.

The opposition brief is due on 4/27/2000.

The reply brief is due on 5/14/2000.

Dated:

3/27/00

Lawrence K. Kauton
JUDGE, UNITED STATES DISTRICT COURT

"2. The Court finds that there is a fair ground to dispute whether Defendant has lawfully opted out of the Section 8 program. Accordingly he may assert his attempt to do so as a ground for refusing to accept the enhanced voucher.

United States District Court
for the
Eastern District of California
March 28, 2001

* * CERTIFICATE OF SERVICE * *

2:01-cv-00606

Hicks

v.

Martin

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on March 28, 2001, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

Rau Mona Tawatao
Legal Services of Northern California
515 12th Street
Sacramento, CA 95814

SJ/LKK

Jack L. Wagner, Clerk

BY: 
Deputy Clerk